

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 119

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Carroll H. Leavell

AN ACT

RELATING TO MOTOR CARRIERS; INVALIDATING INDEMNITY PROVISIONS
IN MOTOR CARRIER TRANSPORTATION CONTRACTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Motor Carrier Act is
enacted to read:

"~~[NEW MATERIAL]~~ INDEMNITY PROVISIONS IN MOTOR CARRIER
TRANSPORTATION CONTRACTS VOID.--

A. A provision or agreement contained in,
collateral to or affecting a motor carrier transportation
contract that requires the motor carrier to indemnify or hold
harmless, or that has the effect of indemnifying or holding
harmless, the shipper from liability for loss or damage
resulting from the negligence or intentional acts or omissions
of the shipper, or agents, employees or independent contractors

.175311.1

underscoring material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 that are directly responsible to the shipper, is against the
2 public policy of this state and is void and unenforceable.

3 B. As used in this section, "motor carrier
4 transportation contract":

5 (1) means a contract, agreement or
6 understanding covering:

7 (a) the transportation of property for
8 compensation or hire by the motor carrier;

9 (b) the entrance on real property by the
10 motor carrier for the purpose of loading, unloading or
11 transporting property for compensation or hire; or

12 (c) a service incidental to an activity
13 described in Paragraph (1) or (2) of this subsection, including
14 storage of property; and

15 (2) does not include the Uniform Intermodal
16 Interchange and Facilities Access Agreement administered by the
17 intermodal association of North America or other agreements
18 providing for the interchange, use or possession of intermodal
19 chassis or other intermodal equipment."

20 Section 2. APPLICABILITY.--The provisions of this act are
21 applicable to motor carrier transportation contracts entered
22 into or renewed on or after July 1, 2009.